

**Response Summary for Public Comments Received about
Surface Water Grants Program Guidance and Clean Boats Clean Waters Application Revisions
Posted for Public Comment: July 19 – August 8, 2016**

Summary of Changes Based on Public Comments:

Thank you to all of the individuals and groups that provided feedback on the Department of Natural Resources (Department) proposed Surface Water Grants Program Guidance and Clean Boats Clean Waters Application. A total of 6 comments received.

The Department made the following changes to the Surface Water Grants Program Guidance based on the feedback:

1. Clarified assessment of AIS Established Population Control grants for projects with small (less than 10% of littoral frequency) invasive populations (pg. 17).
2. Clarified management plan update requirements to include an evaluation of management actions taken since the last plan update (including the most recent data and survey results) and updated management recommendations.
3. Clarified eligible activities under AIS Maintenance and Containment grants, which includes application fees for aquatic plant management permits.
4. Clarified ranking criteria for AIS Education, Prevention and Planning regarding extent, support, and research.
5. Clarified ranking criteria for AIS Established Population regarding management strategy and research.

If you have any questions regarding these changes, please contact Shelly Thomsen at 608-266-0502 or Shelly.Thomsen@wisconsin.gov

Final grant forms and guidance have been posted on <http://dnr.wi.gov/news/input/guidance.html> and are available in hard copy upon request.

The following pages show all comments received by the Department on this proposal.

Public Comments

1. Jon Lindert, Strand Associates (7/26/16)
(608) 251-4842
Jon. Lindert@strand.com

Will there be a file size limit for transmittal of email to submit grant applications? If so, I would suggest that up to a 20 to 25 MB submittal be allowable. Depending on graphics of certain figures to be submitted, even reducing/optimizing file size can only get you down to 15 MB sometimes, so a little cushion would be good.

2. Carole Linn (7/28/16)
carolelinn@westlabs.biz

I have a question/comment relevant to the Water Surface Grant Revisions.

In Section 1d of AIS Maintenance and Containment Projects, there is no provision in eligible costs for the education of stakeholders. Education is critical in the maintenance and containment process, and should be an eligible cost.

1d. AIS Maintenance and Containment Projects Section NR 198.50, Wis. Admin. Code

Eligible Costs: Application fees for aquatic plant management permits issued by the DNR under ss. NR 107 or NR 109 , and costs associated with surveying, monitoring, reporting and recordkeeping required by the DNR.

Hopefully the DNR will recognize the importance of education and allow it as an eligible cost.

3. Pam LaBine, Forest County Land and Water Resources (8/1/16)
(715) 478-1387
fczone@co.forest.wi.us

My Land and Water Committee made the following motion on the Surface Water Grant guidance.

The committee was then informed of the WI DNR grants project guidance is available online and the revisions made would force the counties to use old (5 years) Land and Water Plans when applying for grants. A problem could fester for 5 years before being eligible for a grant. Motion by Larry Sommer to strongly oppose Section C, Summary item #2....., send on to the DNR and our legislators. Second by Lance Laabs. All in favor. Motion Approved.

Also on page 34....the second paragraph under "Eligible Projects". Last sentence. "an additional eligibility requirement for funding these activities is that the sources or causative factors of the problems to be remediated should have been or very likely will be controlled prior to implementation."

Comment: Where internal loading is the cause of lake impairment, this requirement is impossible. We can't cut the forest down. We can't get rid of the bio-degraders in the soils.

4. Cheryl Clemens, Harmony Environmental (8/8/16)
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Thank you for the opportunity to provide comments on the surface water grants.

While I did not have the time to thoroughly review the guidelines, I do have a few comments on the lake planning and aquatic invasive species control grant review criteria.

Large scale lake planning grants

Please provide definition and guidance for community and stakeholder capacity assessment and social capacity assessments. In my experience, there can be an incredible amount of capacity built *during* a planning process that serves well in implementation. It can be difficult to garner and build commitment, participation, and knowledge until a planning process is underway.

Aquatic invasive species control grants

It is not clear how “very small spot treatments” are defined for AIS control. While I agree that sprinkling a bit of granular herbicide over a plant or two makes no sense at all, there are situations where small scale treatments of less than 5 acres have been successful. Where there is empirical evidence of efficacy using DNR-specified pre and post-treatment monitoring protocol, it may make sense to continue grant support.

5. Reesa Evans, Adams County Lake Specialist (8/8/16)
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Almost all of the lakes with public access in this county have WDNR-approved basic lake management plans. However, we have a big problem getting changes or new plans being approved in a timely manner. For example, one small lake submitted its first proposed lake management plan in 2011. After repeated contacts, I went to Eau Claire and went over the proposal line by line there. I then went back to the lake group and they voted to make the recommended changes. The revised plan was submitted for approval in fall 2013. Despite repeated contacts, no approval of the plan has yet been received. The same has happened with proposed revisions—ones sent in 4 years ago have not yet been responded to. I understand completely about overloading for the lake managers, but there needs to be some kind of process, with time lines, for gaining responses to initial plan proposals or proposed changes. The current pattern would make it nearly impossible for the lake organizations here (or our county) to apply for implementation or control of established AIS population to meet the proposed 5 year guideline.

Also, I don't know if changes are being looked at for the grant application forms. As they currently are, they apply only to simple practices that are the beginning stages of working with lakes—that's the only thing that fits in the parameters (word limit) allowed. In this county, we've spent over the last 10 years covering all the simple stuff...we are now ready to move on to the more complicated and lengthy activities, but there is no way to provide all the information required to score well in the parameters currently permitted. Thus, we've scored low on the last two grant applications because we can't cover what has been done and where things need to go with the more complicated activities.

In my opinion, it is also a mistake to have no lake people doing the reviews and also not to have at least one of the reviews done by the area lake manager. The regional lake managers usually have a wealth of

information gained by years of accumulation that might fill in some holes when a grant application is being reviewed. Not having this input means that lakes with a history of actions or problems that can't be covered in the parameters on the current form is just missing when the new application is considered. Not having lake/stream people doing the review is a similar problem—unless they have some background in the connections, history, etc., they are simply doing math...which I don't think is the purpose of the grants. These ecosystems are complicated, with almost everything connected, meaning that simply having a checklist for numbers isn't going to do an application justice unless those connections can be made outside of the strict paper applications.

Thanks for your consideration.

6. Eddie Heath, Onterra Aquatic Ecologist (8/8/16)
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COVER LETTER

C2, bullet 2 (pg 1): A management plan or update to a management plan **must** have been approved by the DNR within five years of the year in which the grant application is submitted.

- We suspect this is to be eligible for an AIS-EPC Grant, not an AIS-EPP Grant – is that correct? In principal, we agree with this standard (5 years might be a short window). But does this mean that all the components included in Appendix B (pg 48) would be required for a Management Plan **and** for a Management Plan Update? Or are these just suggestions?

C2, bullet 3 (pg 1): For lake planning grants, if a multi-lake project includes a lake that does not meet the minimum public boating access standard as required in s. NR 1.91, that application will be assigned the lowest priority among all applications in that same category.

- Perhaps there should be clarification if this standard apply to lakes that are hydraulically connected and navigable between.
- We understand the rationale for ranking projects this way, but do not agree. Perhaps stating that if no more than X% of total costs are spent on the lake that doesn't meet public access would be a compromise.

C2, bullet 4 (pg 2): For Aquatic Invasive Species (AIS) control projects, higher priority will be given to projects implementing recommendations from a DNR-approved management plan and following DNR best management practices for AIS control.

- In that past, we were lead to believe that projects that didn't use BMPs, were not eligible for AIS-EPC grants. It may be appropriate to define "higher priority." It seems like there is only one point in that grant ranking worksheet that gives this higher priority. Perhaps if a project doesn't use BMPS, it should be given the lowest priority among all application in that same category. Or make the project ineligible.

APPLICATION GUIDE

II. Grant Program Information

1b. AIS Early Detection and Response Projects (pg 17):

- The mention of "re-colonization by approved methods" and "Control of a re-colonization following the completion of an established population control project" suggests that more projects would be eligible for these funds. With many whole-lake herbicide treatments targeting EWM, that plant is not located for a year or more after the treatment until it starts rebounding.

With that interpretation of eligible projects, most whole-lake EWM treatments could have follow-up AIS-EDR grants.

- We would encourage allowing an AIS-EDR Grant to be used to start a lake management planning project.

1c. AIS Established Population Control Projects (pg 19): Our interpretation is that any project that is not a pioneering population would be eligible for an AIS-EPC grant. However, we were disallowed application of some grants in this category during the last cycle because they had less than 10% LFOO of an AIS, and therefore only eligible for AIS Maintenance and Containment Grants. Other projects were given a single year's funding if they applied and were below 10% LFOO. We do not see either of these standards included in this guidance document. We appreciate the ranking process to have a certain amount of flexibility, but this exceeds our thresholds. With the amount of money at stake, all rules need to be on the table from the beginning.

1d. AIS Maintenance and Containment Projects (pg 20): This section mentions: "Application fees for aquatic plant management permits issued by the DNR under ss. NR 107 or NR 109 , and costs associated with surveying, monitoring, reporting and recordkeeping required by the DNR" are eligible costs." But then it states that "the maximum grant amount shall not exceed the cost of the permit application fee." These statements are misleading, as really the WDNR is just giving back the permit fees and not paying for the costs associated with "surveying, monitoring, reporting, and record keeping." While it may look differently from a financial specialist at the WDNR, the lake group sees it as not having to pay for permit fees when they are in a "maintenance mode." Please define what a "maintenance mode" is.

Appendix B – AIS/APM Plan Checklist (pg 48): Do all boxes of this checklist need to be addressed to qualify for a plan, or are these just good ideas that one should include? We are in agreement with this checklist if it is **required and enforced** for all projects statewide.

Surface Water Grant Deliverable Format (pg 52): Some of the standard deliverables are easy to comply with, but some of the more technical GIS data can be expensive to comply with these delivery standards. We are not aware of a location where GIS data are currently housed within the WDNR. We have always indicated that we would be glad to provide GIS data upon request. But if there is going to be a required deliverable in every instance, we will have to account for the additional workload in our project costs.

GRANT RANKING

Using a range of points as opposed to each questions having a specific point value assigned to it reduces consistency and transparency. This may be exacerbated in instances where there are 3 points available and only two bulleted criteria.

We preferred to have the regional lake coordinators rank their own projects and defend their ranking at a state-wide meeting. They know the most about the projects. They know the most about surface water-related projects. Bringing in outside biologists that have limited knowledge about these types of projects may lead to improper scoring.

In the past, some projects were ranked by 3 individuals, others by 2. We would like to understand the inconsistency.

AIS-EPP

D) Extent If it ever had a rapid response grant or has it actively had a rapid response grant in the past X amount of years? I believe 5 years was being used as is written in the AIS-EPC Grants.

H) Support We would prefer an actual point value being attributed for a specific percentage less than state share. This would show lake groups the incentive of taking a smaller state share, which would be a mechanism to allow more projects to be funded.

I) Bonus A number of projects we were associated were incorrectly attributed points for the first time award of a *AIS-EPP Grant*, interpreting this question as the first time award for *any grant*.

J) Research Most lake groups believe that the project should get this point for having a separate entity planning/monitoring vs implementing AIS control activities. But this is not the case. Therefore, we recommend removing that wording from this question.

AIS-EPC

A) Management Strategy In general, these questions were well needed, allowing a way for better projects to receive a higher score.

- Within the cover letter, it states that “...management plan or update to a management plan **must** have been approved by the DNR within five years of the year in which the grant application is submitted.” If it is mandatory, then every applicant by default gets this point. Or is it not mandatory, you just receive an extra grant point?
- The *Aquatic Plant Treatment Evaluation Guidance* is a pretty old document that needs updating.
- Joke – “its so old, it doesn’t qualify for a grant”

J) Research The first ranking point is confusing; we are not sure what it means.